

IN RE: APPEAL OF DREAM	:	BEFORE THE ZONING HEARING
VENTURES PA 1, LLC, RELATIVE	:	BOARD OF THE CITY OF READING,
TO A PROPERTY LOCATED AT 100	:	PENNSYLVANIA
S. 4TH STREET, CITY OF READING,	:	
BERKS COUNTY, PENNSYLVANIA	:	APPEAL NO. 2021-40
	:	
	:	VARIANCE, INTERPRETATION
	:	AND/OR SPECIAL EXCEPTION

**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 9th day of February, 2022, a hearing having been held on January 12, 2022, upon the application of Dream Ventures PA 1, LLC, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicant is Dream Ventures PA 1, LLC, a Pennsylvania Limited Liability Company, with a principal address of 140 Remsen Street, 2nd Floor, Brooklyn, New York 11201 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 100 S. 4th Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 Residential Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant was represented by Mark H. Koch, Esquire.

5. Applicant seeks relief to develop an existing commercial building into twenty (20) residential dwelling units through equal or less intense nonconforming use or alternatively, adaptive reuse.

6. The Subject Property is located on a 3,100 +/- square foot lot at the intersection of Franklin Street and South Fourth Street.

7. The twenty (20) residential dwelling units will be a mixture of studio, one-bedroom and two-bedroom apartments.

8. The building located on the Subject Property is classified as a former industrial use (manufacturing and warehouse) which is nonconforming since it was in existence before the provisions for the R-3 Zoning District were applied to the Subject Property.

9. Applicant is requesting variances from the following Zoning Ordinance Sections: 600-607.D., 600-1202.A., 600-1101.C. and D., 600-1603.A.31 and I., and 600-804.A.

10. Applicant is also seeking approval of special exception use from the following Zoning Ordinance Sections: 600-804.B.4.a., 600-607.D.6., 600-1202, 600-1603.F.2. and F.3.

11. The Subject Property is currently vacant and not utilized for any specific use.

12. Applicant believes there is a need for residential apartments within the City of Reading especially housing for students attending the Alvernia University facility at Fourth and Penn Streets.

13. Applicant testified it is not changing the footprint of the building on the Subject Property.

14. Applicant testified that after its meeting with the City of Reading Fire Department it was determined that the "basement" is approximately 30% to 35% above grade; and therefore, Applicant is proposing four (4) units on each of the five (5) floors.

15. Each dwelling unit will contain a kitchen, bathroom and sleeping facilities.

16. Applicant is proposing two (2) studio apartments and two (2) one-bedroom apartments in the basement. The studio apartments measure 363 square feet and 366 square feet and the one-bedroom apartments measure 479 square feet and 351 square feet of habitable space.

17. On the first floor, Applicant is proposing one (1) studio apartment, two (2) one-bedroom apartments, and one (1) two-bedroom apartment. The studio apartment measures 388 square feet, the one-bedroom apartments measure 413 square feet and 422 square feet, and the two-bedroom apartment measures 428 square feet of habitable space.

18. The second, third and fourth floors share a floor plan which indicates one (1) studio apartment, two (2) one-bedroom apartments, and one (1) two-bedroom apartment. The studio apartment measures 318 square feet, the one-bedroom apartments measure 410 square feet and 436 square feet, and the two-bedroom apartment measures 461 square feet of habitable space.

19. Applicant requests relief from Zoning Ordinance Section 600-1101.D.(5) because the proposed dwelling units do not meet the minimum habitable area standards.

20. Applicant is also requesting relief from Zoning Ordinance Section 600-1101.D.(3) which contains a requirement that no more than twenty-five percent (25%) of the dwelling unit is to be studios or efficiencies.

21. Applicant testified it will comply with all Code requirements including sprinklers and smoke detectors and it will install a security system.

22. Applicant testified it will have management on site 24/7 for emergency service.

23. Section 600-1603.A.(31).d. requires one and a half (1-1/2) spaces per dwelling unit for multi-family dwellings. The proposed development is required to provide thirty (30) parking spaces.

24. Applicant seeks a variance to waive the parking requirement and is proposing

zero (0) parking spaces.

25. Applicant testified it will direct all of its tenants to use the parking lot located at Fourth and Cherry Streets which is located across the street from the Subject Property.

26. Applicant testified the requested relief will not substantially increase traffic and congestion compared to the prior use of the Subject Property nor will it create any undo concentration of population.

27. Applicant believes the proposed development will not impair or create a significant threat to the public health and safety.

28. There were no objections presented at the hearing.

DISCUSSION

Applicant seeks relief to develop an existing commercial building into twenty (20) residential dwelling units through equal or less intense nonconforming use or alternatively, adaptive reuse. The Zoning Board finds the proposed use will not be a detriment to the health, safety and welfare of the neighborhood and is in keeping with the spirit and intent of the Ordinance.

CONCLUSIONS OF LAW

1. Applicant is Dream Ventures PA 1, LLC.
2. The Subject Property is located at 100 S. 4th Street, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. The Zoning Board is permitted to provide interpretation and grant applications for variances and special exceptions as set forth in the relevant sections of the Zoning Ordinance.
5. The Zoning Board incorporates the findings of fact and conclusions of law as though fully set forth at length herein.

6. In order to grant the requested relief, the Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicant is granted relief from all relevant sections of the Zoning Ordinance subject to the following conditions:

(1) Applicant shall comply with all pertinent provisions for Adaptive Reuse considering the Residential Apartment Uses, as prescribed by the Zoning Ordinance.

(2) A Preliminary Land Development Plan shall be prepared to address the provisions required by the Subdivision and Land Development Ordinance (Chapter 515 of the City of Reading Code).

(3) A Final Land Development Plan shall be prepared for approval by the City of Reading and recorded with the Berks County Recorder of Deeds.

(4) All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.

(5) All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required water supply improvements.

(6) All proposed signs shall be located, designed, permitted and installed in accordance with the provisions specified by the City of Reading.

(7) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed residential apartment units.

(8) The building shall comply with all fire, safety and accessibility

requirements specified by the City of Reading prior to occupancy.

(9) Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

(10) Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

(11) Failure to comply with any of the above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 4 to 0.

**ZONING HEARING BOARD OF THE
CITY OF READING**

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ William Harst

WILLIAM HARST